IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

Writ Petition No. 11549 of 2005

Between:

Banu Begum W/o. Late Abdul Hussain
R/o. H.No.11-3-1172 Habib Nagar,
Mallepally Hyderabad.

..... PETITIONER

AND

1. Hyderabad Urban Development Authority, rep.by its

Authorized Officer, 1-8-323, Paigah Palace, Secunderabad.
2 The Land Acquisition Officer, Hyderabad Urban Development

Authority, 1-8-323, Paigah Palace, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in acquiring the lands of the petitioner in pursuance of the notice under section 4(1) of the Land Acquisition Act, dated 24-06-2004, in pursuance of which notice under section 5-A of the Land Acquisition Act is issued on 17-03-2005 as illegal, arbitrary and contrary to law and consequentially declare that the proposed acquisition of the lands of the petitioner is not for public purpose.

Counsel for the Petitioner: MR.KISHORE RAI

Counsel for the Respondent No.1: MR.B.VISHWANATHA REDDY, Standing Counsel for H.U.D.A.

Counsel for the Respondent No.2: GOVT. PLEADER FOR LAND

ACQUISITION.

The Court made the following :

O R D E R :

This writ petition is filed questioning the issuance of notices under Section 4(1) and 5-A of the Land Acquisition Act, 1894, (for short, 'the Act'), on 24.0-6.2004 and 17.03.2005 respectively.

Heard counsel for the petitioner, Standing Counsel for the first respondent and Government Pleader for Land Acuquisition.

It is contended by the learned Counsel for the petitioner that the land under acquisition is the sole bread and earning of the petitioner and in case the land is acquired, she will be left without any source of livelihood. He further submitted that acquisition proceedings are not *bona fide* and they are motivated and in violation of principles of natural justice.

The objections raised by the writ petitioner can be gone into by the Land Acquisition Officer during the course of enquiry under Section 5-A of the Act, since the enquiry has not been dispensed with and necessary notices are said to have been issued to the owner of the land. In view of the same, it is not necessary to go into the objections raised by the petitioner in the writ petition for acquisition of land. If ultimately, the respondents do not choose to release the land from the acquisition proceedings on filing of the objections by the petitioner during the course of enquiry

under Section 5-A of the Act, the petitioner is at liberty to challenge the same after issuance of the declaration under Section 6 of the Act. All the contentions raised in this writ petition are left open to the petitioner if the Government chooses to proceed with the enquiry under Section 5-A of the Act.

Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 9th June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Authorised Officer, Hyderabad Urban Development

Authority, 1-8-323, Paigah Palace, Secunderabad.

2.The Land Acquisition Officer, Hyderabad Urban Development

Authority, 1-8-323, Paigah Palace, Secunderabad.

3. Two C.Cs. to the Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad. (O.U.T.)

4. 2 CD copies

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